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DD/OS-1912

2 APR 1975 att. I

MEMORANDUM FOR: Deputy Director for Operations

ATTENTION :

SUBJECT : United States v. International Business Machines Corporation 25X1A

REFERENCE : Intelligence Information Report No.

1. The referent, together with a sanitized version thereof, is forwarded for a determination regarding the release of this material to cleared representatives of the International Business Machines Corporation (IBM).

2. The background to this request is that in 1969 Justice filed an anti-trust suit against IBM alleging violations of the Sherman Act in that it had monopolized the marketing of general purpose digital computers. During the past 6 years of pre-trial proceedings this Agency, as well as a number of other Government agencies, has been subjected to an extensive discovery of documents considered by IBM to have some relevance to this litigation. The authority for IBM's wide-ranging discovery activities has been the pre-trial orders issued by Chief Judge Edelstein of the U.S. District Court for the Southern District of New York. In addition to orders requiring the production of documents, Edelstein has also issued a Protective Order which concerns information that is: (1) sensitive, commercial, or proprietary, or (2) classified. In terms of the Order, IBM may use Government-furnished, sensitive, commercial, or proprietary information only for purposes of the present suit, and access to classified documents is to be restricted to those of its representatives who possess the requisite security clearances. In response to the various pre-trial orders and in keeping with the Protective Order, this Agency has heretofore released classified materials to IBM. In certain cases the documents were sanitized after the full text had been examined by its cleared personnel.

3. With specific regard to the referent, this document was found by IBM representatives during their search of Department of Commerce files. The Department of Justice has asked that we make

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it available for purposes of the subject suit. If you approve, we would release a sanitized version of this report to the Department of Justice, with the understanding that it is to be handled pursuant to the Protective Order. As has been the situation in the past, it may be necessary to permit IBM to compare the sanitized edition with the complete text of the report so that they can assure themselves that nothing of substance has been deleted. Out of concern for protecting Agency sources, we do not propose releasing the complete report to IBM.

4. I have discussed this matter with

[redacted]

[redacted]

[redacted]

Associate General Counsel

Att

cc:

[redacted]

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FORM 8-71 3291 USE PREVIOUS EDITIONS (13)	

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